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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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September 4, 2000

TO: [REDACTED]

FROM: Paul Baker, Reclamation Biologist and Project Team Lead

A handwritten signature in dark ink, appearing to read 'P. Baker'.

RE: Miller Canyon Portals Phase III Bond Release Application, PacifiCorp,  
Cottonwood Wilberg Mine, [REDACTED] BR99D

## SUMMARY:

PacifiCorp is proposing Phase III bond release for the area of the Miller Canyon portals. These are remote portals, and the only disturbances are the portals and immediately adjacent areas. Total disturbance is 0.02 acres. PacifiCorp is not seeking bond reduction; rather, they want to be released from reclamation liability.

The mining and reclamation plan has limited information about how these portals would be reclaimed and no information about specific revegetation success standards. The only information in the plan about reclamation of the portals is that they would have to be reclaimed from within the mine. PacifiCorp apparently feels revegetation is not required because the Division approved this reclamation plan.

Since the postmining land use is a wildlife habitat, revegetation to the standards in R645-301-356 is required by the regulations. The applicant submitted no information to indicate the vegetation meets the performance standards. The regulations also require a five or ten-year extended responsibility period for successful revegetation. Since reclamation and seeding were done in 1999, the applicant has not met the requirements of R645-301-357. For these reasons, the Division should deny the application.

## TECHNICAL ANALYSIS:

## ADMINISTRATIVE INFORMATION

Regulatory Reference: R645-301-880.100, R645-301-880-200

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TECHNICAL MEMO

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**Analysis:**

The applicant is required to submit the bond release application during a season when it is possible to evaluate the success of reclamation. The Division received the application December 23, 1999, which is not normally a time when it is possible to easily view or gain access to the site. However, since the Division has delayed analyzing the bond release application, the timing of the submittal is not critical.

The applicant did not originally submit copies of letters notifying land owners and governments agencies of the bond release application, but the Division received copies of these letters on April 19, 2000. Copies of these letters should be made a part of the bond release application.

On May 19, 2000, the Division received a copy of the affidavit of publication for the public notice that was published in the *Emery County Progress* April 25 through May 16, 2000. This also needs to be made part of the application.

**Findings:**

Information in the proposal is not adequate to meet the requirements of this section of the regulations. Prior to final approval, the applicant must supply the following information in accordance with:

**R645-301-880.100**, Copies of the letters of notification and the affidavit of publication need to be made part of the bond release application.

## **RECLAMATION PLAN**

### **REVEGETATION SUCCESS STANDARDS**

Regulatory Reference: R645-301-356

**Analysis:**

**Revegetation methods**

In 1999, the applicant proposed a specific plan for reclaiming the portals in Miller Canyon. Before this, the approved mining and reclamation only said these portals would be sealed from inside the mine. There was no other information about what reclamation methods would be used. The plan does *not* say the portal areas will not be revegetated.

Appendix XXII of the current mining and reclamation plan contains information about the reclamation work that was done on the Miller Canyon portals in 1999. The portals were permanently sealed in 1987. The work done in 1999 included establishing a water discharge point in portal No. 1, backfilling with rock, bringing in soil material by helicopter, spreading this material and soil from adjacent areas by hand, incorporating mulch, seeding, and covering the areas with straw mulch and netting. Rocks and tree branches were also brought in by helicopter to help anchor the netting and to make the sites blend as well as possible with adjacent areas.

The work the applicant did to restore the area to a natural appearance is commendable, and in 2000, the Board of Oil, Gas and Mining gave an Earth Day Award for this reclamation work.

### **Revegetation success standards**

According to Appendix XXII, the postmining land use in the area of the portals is a wildlife habitat. The requirements of R645-301-356 for this use are that the vegetation is judged on the basis of tree and shrub stocking and vegetative ground cover. Specific tree and shrub stocking density requirements are determined by the Division in consultation with appropriate wildlife management agencies.

The applicant submitted no information showing whether the site meets these criteria or the general requirement standards in R645-301-353. Appendix A of the "Vegetation Information Guidelines" contains standards for success, statistically valid sampling techniques for measuring success, and approved methods that must be used to determine whether revegetation has been successful. In addition, the mining and reclamation plan contains detailed information about what sampling and statistical techniques would be used. The applicant has submitted none of this information.

Regulation R645-301-357 requires a period of extended responsibility for successful revegetation after the last augmented seeding, irrigation, or other work. This period is five years for areas with more than 26 inches of annual precipitation and ten years for areas with less than 26 inches of precipitation. It is assumed that the period for the Miller Canyon portals is ten years.

The Division has allowed final bond release after less than five or ten years in situations where revegetation is not required. In 1998, the Division gave final bond release for the Channel Canyon breakout portals of the Cottonwood Wilberg Mine. These portals were also in a remote location, but they were on a vertical cliff face. The applicant sealed the breakouts and painted the seals black. Because they were on a cliff face, topsoiling and revegetation was impossible, so it was not necessary to apply the requirements of R645-301-357. The Office of Surface Mining, Reclamation and Enforcement (OSM) concurred with this conclusion.

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TECHNICAL MEMO

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Although the Miller Canyon portals are in a remote location and they are difficult to reach, applying topsoil and revegetation techniques were possible. Therefore, the requirements of R645-301-357 apply. The Division should not consider final bond release until 2009.

**Findings:**

Information in the application is not adequate to meet the requirements of this section of the regulations. Prior to final approval, the applicant must supply the following in accordance with:

**R645-301-356,** The applicant needs to submit information showing the vegetation meets the requirements of this regulation and the general requirements in R645-301-353.

**R645-301-357,** Because it was possible to topsoil and revegetate the site, the period of extended responsibility for successful revegetation applies. This period begins after the last augmented seeding, irrigation or other work and continues for either five or ten years. Since the seeding and other reclamation work were done just more than one year ago, the applicant has not met this requirement.

**RECOMMENDATIONS:**

The application should be denied because the applicant has not submitted information showing that vegetation meets the performance standards and because the applicant has not met the requirement for the extended period of responsibility for successful revegetation.